

1 HB18
2 208012-1
3 By Representative Mooney
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 10/29/2020

8 SYNOPSIS: Existing federal law provides criminal
9 penalties for any person who, with intent to cause
10 serious injury to the business of a person, taints
11 any consumer product or renders materially false or
12 misleading the labeling of, or container for, a
13 consumer product, if the consumer product affects
14 interstate or foreign commerce.

15 This bill would prohibit a person from
16 tampering with a consumer product, including food
17 and drugs offered for sale to the general public,
18 and would provide criminal penalties for a
19 violation.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to crimes and offenses; to create the crime
19 of tampering with a consumer product; to provide criminal
20 penalties for a violation; and in connection therewith would
21 have as its purpose or effect the requirement of a new or
22 increased expenditure of local funds within the meaning of
23 Amendment 621 of the Constitution of Alabama of 1901, now
24 appearing as Section 111.05 of the Official Recompilation of
25 the Constitution of Alabama of 1901, as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) As used in this section, the
2 following terms shall have the following meanings:

3 (1) BODILY INJURY. Any of the following:

4 a. A cut, abrasion, bruise, burn, or disfigurement.

5 b. Physical pain.

6 c. Illness.

7 d. Impairment of the function of a bodily member,
8 organ, or mental faculty.

9 e. Any other injury to the body, no matter how
10 temporary.

11 (2) CONSUMER PRODUCT. An article, product, or
12 commodity that is customarily produced or distributed for
13 consumption by individuals, or customarily produced or
14 distributed for use by individuals for purposes of personal
15 care or in the performance of services ordinarily rendered
16 within the household, and that is designed to be consumed or
17 expended in the course of that consumption or use. The term
18 includes food and drugs, as those terms are defined under
19 Section 20-1-20, Code of Alabama 1975.

20 (3) LABELING. All labels and other written, printed,
21 or graphic matter upon any article, agent, product, or
22 substance, or any of its containers or wrappers, or
23 accompanying the article, agent, product, or substance.

24 (4) SERIOUS BODILY INJURY. Bodily injury that
25 includes any of the following:

26 a. Substantial risk of death.

27 b. Extreme physical pain.

1 c. Protracted and obvious disfigurement.

2 d. Protracted impairment of the function of a bodily
3 member, organ, or mental faculty.

4 (b) (1) A person who tampers with, or conspires or
5 attempts to tamper with, any consumer product, or the labeling
6 or container of any consumer product, is guilty of a Class C
7 felony.

8 (2) A person who violates subdivision (1) and who
9 causes serious physical injury or death is guilty of a Class A
10 felony.

11 (c) A person who, with intent to cause injury to the
12 business of a person, tampers with a consumer product or
13 renders materially false or misleading the labeling of, or
14 container for, a consumer product is guilty of a Class B
15 felony.

16 Section 2. Although this bill would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds, the bill is excluded from further
19 requirements and application under Amendment 621, now
20 appearing as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended, because the
22 bill defines a new crime or amends the definition of an
23 existing crime.

24 Section 3. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.